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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/601,893	08/09/2000	Suguru Tokita	ZU-392	5309

7590

04/10/2002

Sherman & Shalloway  
413 North Washington Street  
Alexandria, VA 22314

EXAMINER

GALLAGHER, JOHN J

ART UNIT

PAPER NUMBER

1733

DATE MAILED: 04/10/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/601893

Applicant(s)

Examiner

Group Art Unit

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-14 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-10 and 12-14 is/are rejected.
- ☒ Claim(s) 11 is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☒ All ☐ Some\* ☐ None of the:
  - ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 4
- ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

Office Action Summary

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1. Claim 11 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim (MDC) should refer to other claims in the alternative ONLY; since this claim depends from more than one other claim, and not in the alternative, it is held to be an improper MDC. See MPEP § 608.01(n). Accordingly, this claim has not been further treated on the merits.

2. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-10 and 12-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Blunt in view of either Roberts et al. or Tomita et al.

Blunt discloses a composition composed of a dispersion of a particulate crystalline ethylene-higher (i.e.  $\geq 6$ C) olefin copolymer dispersed in an e.g. aromatic hydrocarbon (e.g. toluene) solvent, which composition finds utility as a coating and/or adhesive material (i.e. exhibits adhesive affinity) for e.g. metal, plastic and cellulosic substrate materials.

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(Abstract, column 1 lines 23-25, column 2 lines 3-19, N.B. column 3 lines 43-51, column 4 lines 1-4, column 5 lines 23-34, column 6 lines 28-36, column 11 lines 1-35, column 12 lines 27-34).

NEW  
π → Roberts et al. (column 1 lines 10-51 and 57-62, column 3 lines 10-15, column 7 lines 48-70) and Tomita et al. (Abstract, column 2 line 59 thru column 3 line 4, column 3 line 62 thru column 4 line 13, column 11 lines 49-60) both disclose that it is known to improve the properties (e.g. adhesiveness etc.) of olefin copolymers of the type documented in Blunt via the functionalization thereof i.e. by the incorporation (e.g. by grafting) of a polar monomer into the (preformed) copolymer, such that it would have been obvious to one of ordinary skill in this art to employ such a conventional functionalization technique for its documented beneficial function and result (viz. adhesion improvement) in/in conjunction with the (adhesive) olefin copolymers of Blunt, wherever deemed desirable and/or necessary, and which modified (i.e. functionalized) copolymers would apparently possess and exhibit the properties and characteristics claimed.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. J. Gallagher whose telephone number is (703) 308-1971. The examiner can normally be reached on M-F from approximately 8:30 A.M. to 5 P.M. The examiner can also be reached on alternate N/A.

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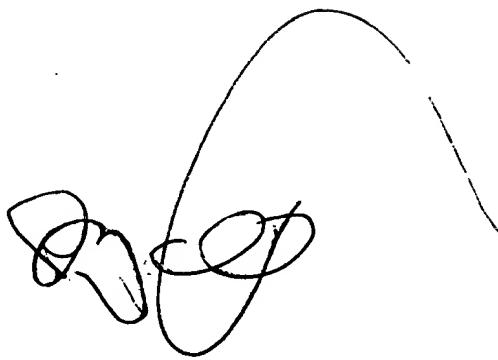
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Ball, can be reached on (703) 308-2058. The fax phone number for this Group is (703) 305-3599.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661/0662.

  
JJGallagher:cdc

February 26, 2002

  
**JOHN J. GALLAGHER**  
**PRIMARY EXAMINER**  
**ART UNIT 181 1733**